

FEDERAL DISPUTE RESOLUTION CENTER,)	AGBCA Nos. 2002-129-1,
)	2002-130-1, 2002-136-1,
)	2002-138-1, 2002-139-1,
Appellant)	2002-140-1
)	
Representing the Appellant:)	
)	
Nelson Kieff, Esquire)	
Federal Dispute Resolution Center)	
10560 Main Street, Suite 417)	
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)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

January 16, 2003

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

The Federal Dispute Resolution Center of Fairfax, Virginia, has filed with the Board several matters involving its Blanket Purchase Agreement, No. 45-6395-1-1808, with the U. S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) and with the Agricultural Marketing Service (AMS), and related actions regarding its inclusion on the Aprocurement list@ by the Committee for Purchase from People Who are Blind or Severely Disabled, under the Javits-Wagner-O-Day Act (41 U.S.C. ' ' 45-48c), 66 Fed. Reg. 24,099-25,00 (2001). In these matters, AGBCA Nos. 2002-129-1 and 2002-130-1 (Judge Pollack presiding; not previously dismissed by a three-judge panel, 7 CFR 24.2 (2002)), and 2002-136-1, 2002-138-1, 2002-139-1, 2002-140-1, Federal Dispute maintains that the Government (1) failed to pay a bill under its agreement, (2) had improperly cancelled the agreement, and (3) had breached the agreement by failing to place orders under the agreement and improperly had debarred or suspended Federal Dispute from obtaining orders.

AGBCA Nos. 2002-129-1, 2002-130-1, 2002-136-1, 2002-138-1, 2002-139-1, 2002-140-12

The Government filed a motion to dismiss for lack of jurisdiction. The Government maintains that the Board lacks jurisdiction over these matters viewed as claims under the Contract Disputes Act of 1978 (CDA), 41 U.S.C. ' ' 601-613, as amended, or as debarment or suspension actions. In lieu of responding to the motion, Federal Dispute requested to discuss resolving the disputes with the Government. The Board granted the request.

The parties have reached a settlement. The terms of agreement include the requirement that Federal Dispute shall release, waive, and withdraw with prejudice all actions filed with this Board, and waive all further claims for attorney fees and damages arising out of these matters. On January 14, 2003, during a telephone conference with the Board, Federal Dispute requested that the Board dismiss with prejudice these matters.

DECISION

In accordance with the submission, the Board dismisses with prejudice these matters. The settlement makes it unnecessary for the Board to resolve the jurisdictional issues.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

HOWARD A. POLLACK
Administrative Judge

ANNE W. WESTBROOK
Administrative Judge

Issued at Washington, D.C.
January 16, 2003